

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARTINSBURG DIVISION

**FILED**

**JAN 15 2008**

**US DISTRICT COURT  
MARTINSBURG, WV 25401**

SMALLWOOD-SMALL INSURANCE, INC.

Plaintiff,

v.

CIVIL ACTION NO. 3:06-CV-107

AMERICAN AUTOMOBILE INSURANCE  
COMPANY, a division of FIREMAN'S FUND  
INSURANCE COMPANY

and

FIREMAN'S FUND INSURANCE  
COMPANY

and

BROWN & BROWN OF CALIFORNIA, INC.  
d/b/a LANCER CLAIMS SERVICES d/b/a  
CALSURANCE

Defendants.

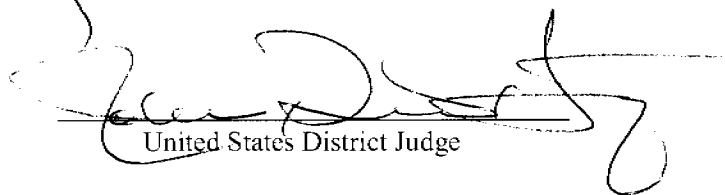
**ORDER FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

This day came before the Court a motion for withdrawal and substitution of counsel by counsel for Defendant Brown & Brown of California, Inc. d/b/a Lancer Claims Services d/b/a Calsurance ("Brown & Brown"), in accordance with Local Rule of General Procedure 83.03, for entry of an Order granting Spilman Thomas & Battle, PLLC leave to withdraw as counsel for Brown & Brown and substituting Bailey & Wyant, PLLC in its stead. Defendants American Automobile Insurance Company and Fireman's Fund Insurance Company, by counsel, Robert P.

Martin of Bailey & Wyant, PLLC have confirmed the agreement to take over the defense of Brown & Brown.

Upon consideration of said motion, this Court finds that this is a convenient and appropriate time for the substitution of defense counsel and that the interests of the parties will not be prejudiced by the granting of said motion nor will further proceedings in this matter be delayed. Being of the opinion that there are good and sufficient grounds therefore, IT IS ORDERED that Spilman Thomas & Battle, PLLC and its attorneys be, and hereby are, GRANTED LEAVE to withdraw as counsel for Brown & Brown, and that the law firm of Bailey & Wyant, PLLC, by Robert P. Martin, is hereby substituted as counsel for Brown & Brown.

ENTER this 16th day of January, 2008.



United States District Judge

Prepared by:

Approved by:

/s/ Marey Casey  
Don C. A. Parker (WV State Bar # 7766)  
Marey Casey (WV State Bar # 8520)  
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**Counsel for Defendant Brown & Brown**

/s/ Robert P. Martin  
Robert P. Martin (WV State Bar # 4516)  
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**Counsel for Defendants American  
Automobile Insurance Company and  
Fireman's Fund Insurance Company**